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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4528 OF 2006

Aslam Abdul Kader Kapadia .. Applicant

Versus

State of Maharashtra .. Respondent

Ms.Smita Mane i/b.P.B.Shah for applicant

Mr.Rajesh More, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 22nd December 2006

P.C.

. The applicant has been arrested on 1st November 2006 by Hadapsar Police Station in connection with C.R.No.434 of 2006 alleging

offences of cheating and forgery.

2. The case of applicant is that he is working in the office as a Peon. The office is of accused No.1 Dilip Salvi. Said Dilip Salvi has been enlarged on bail. The applicant has been detained for more than a month. The only reason for distinguishing his case is that he is the one who has affixed the photograph of complainant on the subject documents.

3. In my view, when the applicant is working as a Peon and the transaction is between the complainant and accused No.1, so also accused No.1 being enlarged on bail, applicant's case deserves consideration. More so, when it is alleged that the dispute was between the complainant and Dilip Salvi over some property. There is no apprehension that the applicant would abscond and the only reason why the application is rejected is because investigations are in progress. However, co-accused being enlarged on

bail, applicant deserves to be enlarged on bail with stringent conditions. Hence, following order:-

i) The applicant arrested in connection with C.R.No.434 of 2006 registered with Hadapsar Police Station shall be enlarged on bail in the sum of Rs.15,000/- with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicant will remain present before the concerned investigating officer once a week on every Saturday between 5.00 p.m. and 7.00 p.m. till the charge sheet is filed and thereafter, as directed by the trial court.

iii) The order of bail will be given

effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of

bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)